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October 21, 2013

Ms. Linda Daugherty  
Director, Central Region  
Pipeline and Hazardous Materials Safety Administration  
901 Locust Street, Suite 462  
Kansas City, MO 64106-2641

Re: Notice of Amendment  
SemGroup, LP  
CPF 3-2013-5030M

Dear Ms. Daugherty:

Pursuant to the Notice of Amendment CPF 3-2013-5030M dated September 16, 2013, SemGroup respectfully submits the following response to the issues brought forth from the inspection of SemGroup's Public Awareness Plan (Plan) and records in Tulsa, Oklahoma during October 2-4, 2012.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a Notice of Amendment for the items noted below. SemGroup has reviewed their plan and made revisions to enhance and further define their processes as follows:

1. **§ 195.402 Procedural manual for operations, maintenance, and emergencies.**
  - (c) **Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations.**

**(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.**

**SemGroup's procedures are inadequate because its Public Awareness Plan does not contain a written process to ensure effective liaison relationship with emergency responders, including the sharing of capabilities and SemGroup's emergency response plan.**

**SemGroup Response:**

SemGroup expanded **Section 6.2 - Message Type and Content for Emergency and Public Officials** of the PAP to include a process of ensuring effective liaison relationship and sharing of information with emergency responders. The two-way communication and feedback between SemGroup and emergency responders will allow both groups to be better informed of each other's capabilities and resources. The communication with the emergency responders that are in close proximity to SemGroup's operations will provide the emergency responders with a better understanding of SemGroup's ability to respond to a hazardous liquid pipeline emergency as well as provide SemGroup with a better understanding of the emergency responder's capabilities.

**2. § 195.440 Public Awareness**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process for developing new individual stakeholder audience brochures or making changes to the brochures that specifies when and how to pre-test changes to materials and to determine the level of pretest, including the use of focus groups.**

**SemGroup Response:**

SemGroup has revised **Section 11.2 – Pre-Testing of Public Awareness Materials** which defines the process of developing new stakeholder audience brochures and making changes to existing brochures. The process specifies when and how pre-testing of materials will be performed. Printed materials may be pre-tested using a focus group. Feedback will be documented noting recommendations for material improvements from the group. The pre-testing of materials will be conducted prior to disbursement of materials by a focus group administered by the 3rd party provider (Paradigm or other) or SemGroup.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process to ensure that an annual supplemental review is consistent across the entire pipeline system. The supplemental review should include consideration of all 12 supplemental factors listed in API RP 162 along with any other relevant factors identified, such as schools contacting the pipeline right-of-way.**

**SemGroup Response:**

SemGroup has revised **Section 9 – Assessment Considerations for Program Enhancement** by adding a procedure to perform an annual supplemental review. This review will consider all the pipeline supplemental programs to ensure consistency across the pipeline system. This review will be conducted by the DOT Compliance Specialist and operations personnel. The review will include consideration of the 12 supplemental factors as defined in RP 1162 for guidance and any other factors that should be considered to determine if supplemental materials need be added in addition to the baseline messages. The supplemental review will be conducted and documented on the revised PAP Annual Review Form.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process for the Annual Implementation review that includes what is to be done by stakeholder audience, requirements for reviewing field information/contacts, and developing a summary of what was considered, what will be changed, who will make changes, and when changes are to be completed.**

**SemGroup Response:**

SemGroup has defined a process in **Section 11 – Perform Program Evaluation** to assess the implementation of the PAP. The assessment will determine if the annual review has been conducted, the programs and processes in the plan have been implemented by the effective date; the mailings have been sent to the appropriate stakeholders within the specified time period. The implementation assessment will be conducted during the annual review of the plan. The PAP Annual review form has been updated to include implementation assessment of the PAP.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process to identify and track the actual program outreach by its stakeholder audience.**

**SemGroup Response:**

SemGroup has added a process to **Section 11.3 - Measure 1 - Outreach** explaining how they measure the outreach efforts of the PAP. SemGroup tracks the number of individuals or entities

attempted to be reached within a stakeholder audience. SemGroup may also track other determinants such as phone calls for public awareness information and completion or inquiries submitted on feedback cards.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process to establish consistent review and analysis of effectiveness evaluation information by its stakeholder audience for understandability of message content and desired behavior.**

**SemGroup Response:**

SemGroup has added a process to **Section 11.3 – Measure 2 – Message Comprehension and Behavior** to document how they measure the comprehension and behavior of stakeholders that are receiving the PAP messages. The assessment may be in the form of a survey, a feedback card, or thorough personal interviews. The documentation will be reviewed during the annual review to determine if changes or enhancements should be made to program materials.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process for measuring other bottom line results or a justification on why such tracking is not needed.**

**SemGroup Response:**

SemGroup has added a "bottom-line results" measurement in **Section 11.4 – Measure 3 – Achieving Results** outlining how they have been assessing third party digging incidents. SemGroup tracks the number of incidents and consequences caused by third-party excavators. This data will be evaluated over an extended period of time to determine any meaningful trends that may be linked to the PAP. SemGroup will also consider other "bottom-line results" measures to continuously improve the Plan.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process to document the effectiveness evaluation that includes the decisions that were considered and/or made, what changes are to be made, who will make changes and when changes are completed.**

**SemGroup Response:**

SemGroup has developed a process in **Section 11.5 – Effectiveness Measure** to more thoroughly document the effectiveness evaluation to include decisions, changes and accountability. The effectiveness evaluation will review data from annual reviews and the four year effectiveness review. All ideas for improvements will be documented and ideas implemented will be monitored to ensure improvements are being seen in the program.

**3. § 195.440 Public Awareness**

- (d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:**
- (1) Use of a One-Call notification system prior to excavation and other damage prevention activities;**
  - (2) Possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline facility;**
  - (3) Physical indications that such a release may have occurred;**
  - (4) Steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release; and**
  - (5) Procedures to report such an event.**
- (e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.**
- (f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports hazardous liquid or carbon dioxide.**

**SemGroup's procedures are inadequate because its Public Awareness Plan does not follow the buffer for affected public as listed in Table 5.1 and as described in its Public Awareness Program (PAP).**

**SemGroup Response**

SemGroup has adjusted the buffer for their mass mailing in **Table 5.2 - Affected Public** in the vicinity of terminals, pump stations and pump stations with at least one breakout tank from 1320 ft to 660 ft.

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process for having a consistent message on the brochures, pipeline markers and given by personnel in the control room who answer the emergency number.**

**SemGroup Response**

SemGroup has revised **Section 6.3 - Message Type and Content for Excavators** to include a process to provide a consistent damage prevention message on brochures, pipeline markers, when personnel in the control room answer the emergency number. The damage prevention message will be reviewed during the annual PAP review to ensure consistency. Question 66 on the PAP Annual Review Form has been added to evaluate consistency of the message.

**4. § 195.440 Public Awareness**

**(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.**

**SemGroup's procedures are inadequate because its Public Awareness Plan does not include a written process for the identification of additional languages including when periodic reviews should occur. The plan should also note that the operator is using only English for public officials and emergency officials.**

**SemGroup Response:**

SemGroup has amended **Section 7 - Establish Minimum Delivery Frequency for Each Message** - adding a process for identification of additional languages including when periodic reviews will be conducted. SemGroup will utilize the 2010 U.S. Census Bureau data that shows current languages spoken by state and county. SemGroup will conduct a new survey of languages spoken in 2020, after updated U.S. Census Bureau data is provided.

SemGroup appreciates the review conducted PHMSA and their recommendations to improve our program. We believe we have adequately addressed each item. Should you have questions or require additional information please contact Ms. Teri Anderson, DOT Compliance Specialist with SemGroup Corp at 918-524-8109.

Sincerely,



Mr. Norman Szydlowski  
President and Chief Executive Officer  
SemGroup, LP

cc: Harold Winnie, PHMSA, Central Region  
Edith Coen, SemGroup Corp  
Candice Cheeseman, SemGroup Corp  
Teri Anderson, SemGroup Corp